

AMENDED IN SENATE APRIL 7, 2010

AMENDED IN SENATE FEBRUARY 12, 2010

SENATE BILL

No. 880

Introduced by Senator Yee

(Coauthor: Senator Alquist)

(Coauthors: Assembly Members Buchanan and Torlakson)

January 12, 2010

An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 880, as amended, Yee. Public safety: snow sport helmets.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard *while participating in the sport of downhill skiing or snowboarding*, or while riding upon a seat or other device that is attached to the snow skis or a snowboard *while participating in the sport of downhill skiing or snowboarding*. The bill would provide for fines to be imposed for violations of this prohibition. The bill would, however, require that the charge against a person be dismissed if it is the first charge against that person for a violation of this prohibition.

The bill would also require any snow sport safety helmet sold or offered for sale to be conspicuously labeled in accordance with the specified standards and would prohibit the sale or offer for sale of any

snow sport safety helmet which is not of a type meeting the safety standards. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would specify that nothing in those provisions shall be construed to increase or decrease duties imposed under existing law. The bill would also specify that those provisions shall not apply to Nordic skiing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 115810) is
2 added to Chapter 4 of Part 10 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 3. Snow Sports
6

7 115810. (a) A person under 18 years of age shall not operate
8 snow skis or a snowboard *while participating in the sport of*
9 *downhill skiing or snowboarding* unless that person is wearing a
10 properly fitted and fastened snow sport helmet that meets the
11 standards of either the Central European Norm CE1077, the ASTM
12 International F 2040, or the Snell Memorial Foundation RS-98, or
13 the United States Consumer Product Safety Commission (CPSC),
14 or standards subsequently established by those entities. This
15 requirement also applies to a person who rides upon a seat or any
16 other device that is attached to the snow skis or snowboard *while*
17 *participating in the sport of downhill skiing or snowboarding.*

18 (b) Any snow sport helmet sold or offered for sale for use by
19 operators of snow skis or a snowboard shall be conspicuously
20 labeled in accordance with the standard described in subdivision
21 (a) which shall constitute the manufacturer's certification that the
22 helmet conforms to the applicable safety standards.

1 (c) No person shall sell, or offer for sale, for use by an operator
2 of snow skis or a snowboard any safety helmet which is not of a
3 type meeting requirements established by this section.

4 (d) Any charge under this section shall be dismissed when the
5 person charged alleges in court, under oath, that the charge against
6 the person is the first charge against that person under this
7 subdivision, unless it is otherwise established in court that the
8 charge is not the first charge against the person.

9 (e) (1) Except as provided in subdivision (d), a violation of this
10 section is an infraction punishable by a fine of not more than
11 twenty-five dollars (\$25).

12 (2) The parent or legal guardian having control or custody of
13 an unemancipated minor whose conduct violates this section shall
14 be jointly and severally liable with the minor for the amount of
15 the fine imposed pursuant to this subdivision.

16 (f) *This section shall not apply to Nordic skiing.*

17 (g) *Nothing in this section shall be construed to increase or*
18 *decrease duties imposed under existing law.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.